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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

**CV23-01012-PHX-CDB**

Case No. \_\_\_\_\_

Francine Gibson,  
Plaintiff,

v.

Jury Trial: \_\_\_\_ Yes \_\_\_\_ No

Cartwright Elementary School District, et. al.,  
Defendants

### COMPLAINT FOR EMPLOYMENT DISCRIMINATION

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . , subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution [of the United States] and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . .

THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING  
TO FEDERAL AND/OR LOCAL RULES AND PRACTICES  
AND IS SUBJECT TO REJECTION BY THE COURT.

REFERENCE LRCurP 5.4  
(Rule Number 5.4(e))

**I. The Parties to This Complaint**

**A. Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name: Francine Gibson  
Street Address: 1224 E. Lawrence Lane  
City and County: Phoenix,  
State and Zip Code: Arizona, 85020  
Telephone Number: (602) 579-1006  
E-mail Address: [france20252000@yahoo.com](mailto:france20252000@yahoo.com)

**B. The Defendants(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Name: Cartwright School District #83  
Job or Title:  
Street Address: 5220 W. Indian School Road  
City and County: Phoenix, Maricopa  
State and Zip Code: Arizona, 85033  
Telephone Number: (623) 691-4000  
E-mail Address:

**C. Place of Employment**

Name: Cartwright School District #83  
Street Address: 5220 W. Indian School Road  
City and County: Phoenix, Maricopa  
State and Zip Code: Arizona, 85033  
Telephone Number: (623) 691-4000  
E-mail Address:

## II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.)*

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.)*

☒ Other Federal Law *(Specify the federal law)*:

42 U.S.C. SECTIONS 1983: Equal Protection Claims  
28 U.S. Code § 1331

☒ Relevant State Law *(Specify, if known)*:

**ARS 15-507. Abuse of teacher or school employee in school; classification** - A person who knowingly abuses a teacher or other school employee on school grounds or while the teacher or employee is engaged in the performance of his duties is guilty of a class 3 misdemeanor.

☐ Relevant City or County Law *(Specify if known)*:

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☒ Other acts *(Specify)*: Harassment

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on dates(s)

C. I believe that defendant(s) *(Check one)*:

- ☒ is/are still committing these acts against me. **(Until my contract ended 5/26/23)**
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- X   race
- color
- gender/sex
- religion
- national origin
- age (year of birth) \_\_\_\_\_ *(only when asserting a claim of age discrimination)*
- disability or perceived disability *(Specify disability)*

E. The facts of my case are as follows: *(Attach additional pages if needed)*.

It is my contention that Arizona grows and with Phoenix being the 5<sup>th</sup> largest metropolis in the United States, it is imperative to have highly qualified citizens to govern, manage, operate the institutions, corporations, and businesses of the state. However, the ongoing education battle in its many forms in Arizona is impeding the quality of public education for all children and doesn't ensure the viability of a robust economic future for Arizona. **Is it any wonder that there are forces within our State and the Country that want to dismantle public education?**

### Under 28 U.S. Code § 1331

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

These claims are viable claims and rest upon both substantive rights and liberty interests. A remedy is provided for both, which protects citizens against private action, and state actions of statutory or constitutional violations.

The liberty interest in that my occupation in a "Right to Work" State allows me the opportunity to engage in a discipline as educator to teach students.

Board of Regents v. Roth, "Without doubt it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized ... as essential to the orderly pursuit of happiness by free men."

Fundamental liberty interests, however, are limited to those that are "implicit in the concept of ordered liberty," such that "neither liberty nor justice would exist if [they] were sacrificed," or that are "deeply rooted in this Nation's history and tradition." Advocates should not neglect assertions of the liberty interest. For example, restrictive housing authority roommate policies that hamper the right to live with relatives can present a deprivation of a liberty interest.

## **Constitutional Violations**

### **1<sup>st</sup> Amendment Right to Freedom of Speech & Freedom of Expression**

Freedom of speech is the "right to express one's thoughts and opinions without governmental restriction, as guaranteed by the First Amendment of the U.S. Constitution."

Freedom of expression is the "freedom of speech, press, assembly, or religion as guaranteed by the First Amendment of the U.S. Constitution; the prohibition of governmental interference with those freedoms."

Example:

In August 2021, I told the principal that some items were stolen from my room she said "You can't say that" I couldn't say that, "that some items were stolen from my classroom", and she wrote me up for it. I contend that I do have the right to inform my supervisor that items had been removed from my classroom and upon telling a vice-principal of the situation, she simply spoke to me in a scolding voice saying "You're not supposed to have, (one of the items that was missing, which was) a candle warmer, in your classroom. (Which left the question in my mind, "well did you take it?")

This however is not true, because we do have a Fire Marshall inspection of our rooms from time to time, and previously, the Fire Marshall indicated that we were not allowed to have any type of candle warmer that had a flame, but a plug in warmer was not prohibited. My candle warmer, one of the items missing from my classroom, was plug in candle warmer.

### **4<sup>th</sup> Amendment Right to Privacy**

Employees have the right to keep private facts about themselves confidential and the right to some degree of personal space. An employer that discloses private facts or lies about an employee may be held accountable in a civil action for invasion of privacy or defamation.

Public sector employees are protected by the Fourth Amendment to the U.S. Constitution. The Fourth Amendment's protections include the right to be secure "against unreasonable searches and seizures" by the government.

I had been written up and given what is called a Letter of Direction/Reprimand, The principal posted the letter of reprimand in the ELA Department folder for all of the Reading/ELA Department teachers to see as a means of humiliation, harassment and intimidation. This action violated district policy and my 4<sup>th</sup> Amendment right to privacy.

**Time Period:** The time over which the plaintiff makes claims that the harassing/bullying conduct occurred is over the last 3-year period of working at the school. The plaintiff did file for notice of claim with Arizona Attorney General's Office which was jointly filed with the EEOC. The plaintiff did receive a '*Right to Sue*' notice of claim.

### **Fourteenth Amendment Due Process...**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The plaintiff is claiming employment discrimination based upon race.

The plaintiff is claiming hostile work environment.

The plaintiff is claiming disparate treatment. – Termination of Employment

I was repeatedly written up for anything..., anything I said or did was considered '*Unprofessional Conduct*', I was lied on, gossiped about, and this created a hostile work environment.

### **Statutory Violations...**

#### **Abuse of Power: 5.1.A.2. "Persons" Acting "Under Color of State Law" Under Section 1983**

Arizona's shortage of teachers lies in its inability to retain teachers. There are over 25,000 citizens of Arizona that hold teaching certificates and are unable to work, or find work because of the trauma caused them by the behavior and authority of administrators in these Arizona Schools.

Not only is this the result of teachers not being supported by the principal and administrators of their respective schools, but also because these same principals abuse the authority that they hold over the educators.

In this claim that I bring forth, the principal thinks that they can just say anything, lie, gaslight, and do anything and the teacher is just supposed to 'run away'. This is simply not the case in this instance. Teachers are bright, smart, funny, very well organized and educated, most love being in the classroom teaching and nurturing students, to be treated 'as if' they are unintelligent and can simply be dispensed with, is an insult. The foolishness that goes on in these schools and passes as education "Must" be recognized and ended.

"The defendant in this case is an employee of a Cartwright School District, represents the district in the capacity of the principal of the Estrella Middle School and the supervisor of the plaintiff. Their actions along with their apparent authority, and ability to take tangible employment actions make them a "state actor". The contention raised is that they did not act in accordance with their authority but misused it."

- **Such actions may result in liability even if the defendant abuses the position given to him by the state.**

**ARS 15-507.**    **Abuse of teacher or school employee in school; classification** - A person who knowingly abuses a teacher or other school employee on school grounds or while the teacher or employee is engaged in the performance of his duties is guilty of a class 3 misdemeanor.

**3/30/2023** – On this particular day The came rushing past me as I stood in the doorway of my duty spot, this just happened to be 2 days after I received a letter stating that the district was not going to renew my contract. She has resorted to antagonizing me, intimidating me, by walking up like she is going to confront me or get in my face, then walking away very, very slowly.

At the time whenever I am out for duty, (which is watching the students as they arrive on campus in the morning and watching them as the depart from school in the afternoon). She stands in my duty spot, which I had taken a picture of and brought to the attention of the EEOC when they were examining the case. But this is just an attempt to accuse me of not doing my job, and what she really wants is to elicit some type of reaction from me so that she can say that I've said or done something to her and justify her abusive behavior.

This has caused me mental trauma, Mentally, I am left with the impression of being in a bad relationship, with a bad boyfriend and feeling abused. I was told by the principal themselves, that "I don't like you". And have been repeatedly mistreated by this principal. If I as a teacher am expected to behave in a professional manner, then why isn't the principal of the school, who should be exhibiting exemplary leadership, expected to behave in a professional manner?

- **Power harassment** Not to be confused with Abuse of power: is a form of harassment and workplace bullying in which someone in a position of greater power uses that power to harass or bully a lower-ranking person. It includes a range of behavior from mild irritation and annoyances to serious abuses which can even involve forced activity beyond the boundaries of the job description. Power harassment is considered a form of illegal discrimination, bias and political and psychological abuse. Types of power harassment include physical or psychological attacks, segregation, excessive or demeaning work assignments, and intrusion upon the victim's personal life.

### **The Harassment Prohibits You from Doing Your Job**

- Another key test for a hostile work environment is the extent to which the harassment gets in the way of you doing your job. The court will also consider how the behavior has affected your career progression.
- If you have been passed up for promotions, assignments, or rotations due to harassment and discrimination, that would constitute a hostile work environment.

Example: Having the School Resource Officer (SRO) Officer follow me around the campus.

Example: Having fellow colleagues follow me around the building when I am using the restroom or making copies.

Example: Behaving like a "Karen" character, portraying herself 'as if' she's afraid. Previously, being escorted around by the School Resource Officer.

Example: Locking shared documents to keep me from completing assignments, and then writing me up, saying that I'm incompetent that I am not doing my job.



Example: During the Pandemic, when she was vice principal, her the principal at the time locked me out of zoom meeting and then writing me up to say that I did not return to my class, when they were the ones that had refused me access.

Example: Having the Department Chair of the ELA Department repeatedly asking me for my password when I told her that I would not give it to her. (Giving my password to her would give her access to my personal human resources account; and it would not otherwise be considered a password). Which violates district policy and my 4<sup>th</sup> Amendment right to privacy.

Example: Being told by the team lead for my teaching cohort that I had to add her to my Synergy System as a teacher, and repeatedly finding students missing from my attendance roster, then being scolded because my attendance numbers were incorrect.

- **Failure to train**

Example: The school was found in non-compliance with ADE Special Education delivery of services, so we were given new standards to follow, I asked the instructional coach for assistance, she visited with me twice, but then did not return to assist me. Additionally, in our handbook it stated that we would receive materials to teach ELL Students during Intervention Classes, but we never received any curriculum or other teaching materials, we were simply told to extend the teaching from our regular classes into our intervention class.

- **Employer has done very little and/or Failed to Intervene and Address the Harassment**

Example: Asked for name of district's compliance officer and getting no response from the CEA Agent.

Example: Finding out who the compliance officer is, asking for help, sending them an email, getting no response.

As the compliance officer failed to intervene, question, or raise concerns...

- **What is an example of an adverse action that was something less than a discharge?**

Tangible adverse actions may include a transfer to an undesirable location, a significant loss in responsibility or prestige, or placement on an undesirable shift, if those actions would be enough to deter reasonable employees from asserting their rights.

- **Lies and False Innuendos**

Example: Another black woman and myself have had slanderous remarks, dispersions of morally corrupt behavior against our character and/or defamation of character

remarks about us, relating to our moral character.

- Example: Influencing the students, I had a student running around in the hallway repeating over and over "someone is going to jail". While in the meantime you have teachers with students sitting in their classrooms at lunch time.
- Example: Being removed from my position as a teacher in the Gifted and Talented Program, being replaced by another teacher who at the time did not hold a certificate to teach Gifted and Talented Students. Then during staff meetings having staff yell out to the teacher that replaced me, saying "You're the best", in other words, that I'm a "Bad" teacher and that's why they replaced me.

**Imposition of a state of mind requirement** under Section 1983 for the underlying basis for liability, but there must be a causal connection between the defendant's actions and the harm that results.

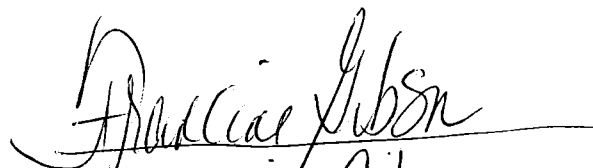
Example: The principal walked by me one morning as I was entering my classroom building and she said in a teeth gritting voice: "I don't like you". This shows the defendant's state of mind and the animus that has repeatedly been directed toward me. This action by the principal also shows Discriminatory Intent/Treatment.

#### **Incidental Events:**

Example: On my way home from church one Sunday Morning, I had a car try to run me off the road.

Example: One morning I had a man start a fight with me. At a dog park in my community that I have taken my pets to for over 3 years. I did not know the man; the event was so astounding that another person in the park called the police on my behalf.

People have become accustomed to speaking their mind behind a computer screen, in a chatroom or on various social media platforms, however; even within that venue it, it is not always permissible to say whatever you want, and you can risk being banned from the platform or having your account terminated. So should it be in the workplace, people should not be given permission to speak or say whatever they want, nor should they be allowed to exert Macro or Micro Aggressions against employees and/or co-workers. Let's ensure that the American Workplace has professional *Esprit De 'Cor* where people are expected to perform their duties and display professional behavior.

  
Francine Gibson  
June 05, 2023